## NOTIFICATION.

*No. 226—L. C., dated Bangalore, the 1st April 1910.*

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying report of the Select Committee appointed for the consideration of the Village Tank Panchayet Bill is published for general information with the Bill as amended by the Committee.

By Order,
S. HIRIYANNAIYA,
*Secretary, Mysore Legislative Council.*

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## Report of the Select Committee appointed for the consideration of the Village Tank Panchayet Bill.

We, the members of the Select Committee appointed for the consideration of the Village Tank Panchayet Bill, beg to submit the following report to the Council.

The Committee first met on the 17th December last and resolved to invite the opinions of Deputy Commissioners and select non-official gentlemen and Associations before finally considering the provisions of the Bill. As these opinions were not received in time (in spite of repeated reminders), the Committee were compelled to ask for an extension of the time fixed for the submission of the report till the 15th September 1909. As in the meanwhile, the term of office of several members of the Council expired, two of the members of the Committee, *viz.*, Messrs. M. Kantaraj Urs and V. N. Narasimmiengar had to vacate their seats. In their places the Dewan was pleased to appoint Messrs. D. Devaraj Urs and M. C. Ranga Iyengar, B.A.

The Committee as thus constituted began their sittings on the 5th August 1909 and continued their discussions on the 6th and 7th idem. All the provisions of the Bill were carefully gone through and as a result we beg to submit the following report.

1. *Title and preamble.*—As Panchayets will be constituted only with reference to tanks and as they need not be confined to villages, we consider it sufficient to call the Regulation "The Tank Panchayet Regulation" and recommend that the word "village" be omitted from the title of the Bill and from the expressions "Village Tank Panchayet" and "Village Tank Fund," wherever they occur.

*Para 3 of the preamble.*—As the defects which the Bill intends to remedy are sufficiently enumerated in the two preceding paragraphs, we consider that special reference to the revival of communal spirit made herein is unnecessary and recommend that the words "and to revive the communal spirit among the raiyats" be omitted.

2. *Clause 2 (a) Definitions.*—Allusion has been made in the preamble to the customary obligations of the raiyats and what these are have been explained in sub-clause (*b*) of this clause as duties devolving on raiyats under the Chief Commissioner's Notification No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904. Such an explanation though strictly correct is nevertheless not sufficiently clear to bring home to the minds of the ordinary people the specific obligations resting on them in respect of maintenance of the tanks. We consider it necessary therefore to explain matter further and accordingly recommend that the Chief Commissioner's Notification referred to above as amended by the Notification of 1904 be printed *in extenso* as a schedule to the Regulation. If this is done the definition of the word "Maintenance," which, as it is, simply reproduces the phraseology of the Notification, will be quite unnecessary and may be dropped. This will also render necessary to retain clause 2 (*b*) of the Bill which we have therefore expunged.

[illegible] defined so as to mean *special repairs* that may be rendered necessary in regard to tanks by unforeseen causes, as opposed to *petty repairs* included in the expression

"maintenance and upkeep." We notice that clause 9 (2) is the only place in which reference is made to such special repair. Instead of having therefore a separate definition of the word we consider it sufficient to substitute the substance of this definition for the word "repair" occurring in the clause mentioned above.

"Village."

The definition as it stands is likely to give rise to the impression that Panchayets may be constituted for purposes other than the control or maintenance of a tank. This, however, is not the object of the Bill. We have therefore substituted the following in place of the existing definition:—

"'Village' includes a group of villages or any specified area for which a Tank Panchayet may be constituted."

"Raiyats."

Instead of enumerating the persons coming under this word as has been done in the Bill we consider that it may be defined next after "customary obligations" so as to mean those persons on whom the obligations devolve the expression "customary obligations" being thus defined:—

"(7) The expression "customary obligations" means obligations enforceable in regard to tanks under the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904, and specified in the schedule appended to this Regulation, or under any other law or any rule, order or custom having the force of law."

The definition of the word "raiyat" would then be as follows:—

"(8) 'raiyats' shall mean the individuals on whom such customary obligations devolve."

"Patel and shanbhog."

In this definition, for the words "where a Village Tank Panchayet is constituted for a group of villages or for a tank or a group of tanks" we have substituted the words "where there are more than one such patel or shanbhog" so as to suit the altered definition of the word "village."

*Clause* 3.—Provision has been made here in regard to (1) the objects for which a Panchayet may be constituted; (2) the circumstances under which it may be constituted and (3) the members of whom it is to be composed.

As regards the first, we are of opinion that the clause does not enumerate the objects in sufficient detail and that reference should be made here to the work of restoration, construction and improvement of tanks, which may be undertaken by a Panchayet under old clause 15 (new clause 16) of the Bill. We have accordingly expanded this part of the clause adopting as far as possible the language used in the Chief Commissioner's notification. The amended portion will then run as follows:—

"For the effectual carrying out of the customary obligations of the raiyats, in regard to the maintenance and upkeep of tanks; for facilitating the construction, restoration and improvement of tanks, etc."

Regarding the second point we observe that according to the Bill a Panchayet may be constituted if a certain majority of the raiyats of the village should so desire. It has been represented to us that this condition does not sufficiently safeguard the interests of persons holding extensive wet lands under the tank. The number of such persons may be small, but as they represent large interests we consider that their vote is entitled to far greater weight than their mere numer[ical] strength would justify. We have therefore added a fresh condition requiring the majority of two-thirds who are competent to call a Panchayet into [being] should, among themselves, also own or hold not less than half the occu[pied] the wet lands under the tank.

In view of the altered definition of the word "village" we con[sider] sary to retain the proviso to this clause which is accordingly omit[ted].

*Clause* 4.—We agree in the several representations made [to] perty qualification fixed for election as a member of a Panchay[et]. have therefore altered the limits to Rs. 20 in the case of wet or[dry] to Rs. 10 in the case of dry land-holders and to Rs. 5 in the c[ase]

payers. We have also added a provision for the election of persons who may not possess the qualification to vote under any one of these clauses but who may nevertheless, in the aggregate, contribute to Government a revenue more than any one of them taken singly. We have accordingly added a sub-clause so as to bring within the category of qualified persons those raiyats who pay in the aggregate an amount not less than Rs. 25. We have also recast sub-clauses (*a*), (*b*), and (*c*) which with the addition made by us will stand as follows:—

(*a*) pays an annual assessment of not less than Rs. 20 on wet or garden lands in the village, or

(*b*) pays an annual assessment of not less than Rs. 10 on dry lands in the village, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. 5, or

(*d*) pays in the aggregate an amount not less than Rs. 25.

*Clause* 5.—We are of opinion that sub-clause (*a*) of this clause may be substituted by a similar provision made in Section 8 (1) (*e*) of the Village Offices Regulation, IV of 1908, *viz.*, "who has been convicted by Criminal Courts of an offence which in the opinion of the Deputy Commissioner disqualifies him for holding the office;" that sub-clause (*b*) may be omitted and replaced by the provision as to bodily or mental infirmity contained in Section 8 (1) (*c*) of the same Regulation, *viz.*, "who is not physically and mentally capable of discharging the duties of his office;" and that for sub-clause (*d*) may be substituted the corresponding provision made in Section 8 (1) (*a*) of that Regulation, *viz.*, "who is not of the male sex." We have considered it unnecessary to retain insolvency as a ground of disqualification, as it will be quite open to the electors not to select such a person, should they deem such a course necessary.

*Clause* 6.—As the clause stands at present, raiyats holding dry lands would be ineligible to vote unless thay pay mohatarfa tax also, though under clause (4) they would be eligible for being elected to the Panchayet on the ground of holding dry lands alone. The conjunction "and" occurring in this clause between the words "dry lands" and "paying mohatarfa" should therefore be substituted by "or" and the same word should also be substituted for "and" where it occurs between the words "wet" and "garden lands."

*Clause* 7:—Provision should be made here for the constitution of the Panchayet and the appointment of its members being notified in the official Gazette for general information. We have accordingly added a sub-clause to this effect and have converted the present clause into a subsidiary clause thus:—

"7(*a*) The constitution of a Tank Panchayet and the names of its members shall be notified in the official Gazette.

(*b*) The elected members of the Tank Panchayet shall hold office for a term of three years."

In this connection we observe that the Bill does not contain provisions for filling up vacancies arising in the membership of a Panchayet otherwise than by efflux of time, and for the removal of the members who become disqualified for continuing as such. We are of opinion that provisions made to this effect in Sections 16 and 18 of the Municipal Regulation, VII of 1906, may be adopted here with suitable modifications. We have therefore added the following additional clause:—

"8(*a*) The Deputy Commissioner, if he thinks fit, may, on the recommendation of a Tank Panchayet, remove any member of the Panchayet, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties.

Liability to removal from office.

(*b*) In the event of the death, resignation, disqualification, disability or removal of a member of a Tank Panchayet previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred."

Casual vacancies how to be filled up.

*Sub-clause* (1) (*f*).—We understand that no separate irrigation cess is set apart for each village and as such we are of opinion that reference made in this sub-clause to the fund collected in each village is unnecessary. We accordingly recommend that the words "collected in the village, being either the whole or portion thereof" be omitted from the sub-clause.

*Old clause 9, new clause 10.*

*Sub-clause* (2).—To make the meaning of this sub-clause clear we recommend that for the words "shall be utilised by the Panchayet in executing the annual maintenance works of the major and minor tanks" the following be substituted, *viz.*, "shall be available to the Panchayet for the maintenance and upkeep of the major and minor tanks." We have also made here some other small changes more or less of a verbal character, besides adding a provision for special repairs of minor tanks rendered necessary by unforeseen causes.

Expert opinion as to the advisability of granting tank beds for cultivation is not unanimous. We have therefore considered it necessary to subject the exercise of this power by the Panchayet to the control of the Deputy Commissioner. We have also considered it necessary to confer a substantive power on the Panchayet to exercise the rights referred to in (*c*), (*d*) and (*e*) of sub-clause (1) of old clause 9 (new clause 10). With this addition the clause will run as follows :—

*Old clause 12, new clause 13.*

"13. (1) The Panchayet shall have power to sell—

(*a*) the right of fishing in the tank under its control,

(*b*) the right of grazing in the tank bed, and the right of cutting and removing the grass on the tank bund, and

(*c*) the produce of the trees in the tank and on the bund, if any.

(2) The Panchayet shall also have power.....by it ; *provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.*"

We are of opinion that the Panchayet need have power only to regulate the issue of water from the tank, the time during which the supply of water may continue and the quantity that may be issued and that it is inexpedient to entrust it with the power of determining the time for the commencement of the sowing of wet crops which ought to be left to the discretion of each individual holder of lands under the tank. We have accordingly substituted the following for this clause :—

*Old clause 13.*
*New clause 14.*

"14. For the purpose of irrigation from the tank under its control, a Panchayet shall have power to regulate—

(*a*) the time for the commencement of the issue of water from the tank ;

(*b*) the period during which the supply of water is to continue ; and

(*c*) the quantity of water to be let out from the tank."

*Sub-clause* (1) (*a*).—This, as it stands at present, does not make it clear whether the power of the Panchayet to restrict the area of wet cultivation extends to *each individual holding* or to only a *specified portion* of the *aggregate* area. We felt that to adopt either course to the exclusion of the other would lead to practical difficulties and we therefore resolved to leave the discretion in the matter entirely to the Panchayet. Hence the addition of the words "or any of the" between the words "all" and "wet lands" in line one of this sub-clause.

*Old clause 14.*
*New clause 15.*

*Sub-clause* (1) (*b*).—As the power conferred by this sub-clause is already implied in the power to regulate the issue of water given in the previous clause we recommend that this be omitted.

*Sub-clause* (2).—For the reasons assigned for the insertion of similar provision in clause 3, we have inserted the words "holding in the aggregate not less than two-thirds of the occupied area of" after the word "holding" occurring in the last line of this sub-clause.

*Old clause 15.*
*New clause 16.*

We have recast sub-clause (1) of this clause as follows :—

"With the approval of the majority of not less than two-thirds of the raiyats, a Tank Panchayet may undertake the construction, restoration or improvement, as the case may be, of a minor tank, with the exception of the masonry and stone work."

*Old clause 16.*
*New clause 17.*

We have inserted the words "under Sections 10 and 12 of this Regulation" after the words "tank fund" occurring in line one to make it clear as to what particular items the procedure specified in the clause is to be applied.

*Old clause 18.*

We have expunged this clause as unnecessary. The provisions contained herein have been sufficiently brought out in the definition of the expression "Customary obligations".

*Old clause 19.*

We have numbered this as *Clause* 20, and added the following new clause so as to provide for the protection of the members of the Panchayet from suits for acts done by them *bona-fide* in the proper performance of their duties as such members :—

"19. No member of the Panchayet shall be liable to be sued for any act *bona-fide* done or ordered to be done in pursuance of the provisions of this Regulation." (Cf. Section 223, Land Revenue Code).

*Old clause 19.*
*New clause 20.*

We consider that provision should be made here so as to empower Government to frame rules for the guidance of Panchayets in regard to the collection of rents, etc., referred to in old clause 9 (new clause 10). We have accordingly added the following to sub-clause (2) of this clause, *viz.* :—

"(*f*) prescribe the procedure to be followed by Panchayets for collecting the receipts referred to in clauses (*a*) to (*e*) of sub-section (1) of Section 10".

The other alterations not noticed in this report are either purely verbal or consequential to those recommended above.

We recommend that the Bill as amended by the Committee be published in the Gazette for general information.

*7th August 1909.*

K. P. PUTTANNA CHETTY.
A. RANGASWAMI IYENGAR.
S. NARAYANA RAO.
D. DEVARAJ URS.
C. SRINIVASIENGAR.
M. C. RANGIENGAR.
B. NAGAPPA.

NOTE by Rajamanthrapravina Mr. C. Srinivasiengar :—

"I have still some doubts as to the practicability and suitability of the provisions contained in old clause 14 and new clause 15, but I am quite willing they should be given a fair trial before they are condemned. The restrictions embodied in the clause are a sufficient guarantee that a perpetration of irreparable mischief will not be permitted.

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## The [Village] Tank Panchayet Bill.

*(As amended by the Select Committee.)*

*N.B.*—The portions in square brackets are those deleted by the Select Committee and those in italics newly added.

Preamble.

WHEREAS the customary obligations of raiyats in Mysore in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks, have not been satisfactorily carried out in the past; and

WHEREAS this result is mainly due to the disappearance of the communal spirit among the raiyats and to the absence of sufficient inducements to make them take an interest in their tanks; and

**WHEREAS** with a view to remedy these defects [and to revive the commu nal spirit among the raiyats], it is expedient to constitute [Village] Panchayets t have control over the tanks and to administer the funds that may be assigned f their restoration, repair and maintenance;

His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the "[Village] Tank Panchayet R
Short title. gulation, 19[08]".

Local extent. (2) It extends to the whole of Mysore; and

Commencement. (3) it shall come into force on the [first day of Janu ary 1909].

2. [(*a*)] In this Regulation, unless there is something repugnant in th
Definitions. subject or context—

(1) "Tank" means any source of irrigation and shall include an anikat, voddu, a talparige; and a channel whether used as a feeder, irrigatio or distribution channel and whether drawn from a tank, anikat, rive or water course.

(2) "A major tank" means a tank the annual assessment on whose irrigab area is not less than Rs. 300 and shall also include such other tank as the Government may for any reason notify as major tanks;

All other tanks are "minor tanks."

(3) "Construction" means the creation of a new tank.

(4) "Restoration" means restoring to an efficient condition a tank whic from neglect, accident or other cause, has fallen into disuse or becom impaired or less efficient than formerly.

(5) "Improvement" means increasing the capacity of a tank so as to pr vide additional water for irrigation or otherwise rendering it mo useful for purposes of irrigation.

[(6) "Maintenance" means works of petty repair required to keep or mai tain a tank at the standard of safety that may be fixed for it after it construction, restoration or improvement, and includes the follow ing:—

(i) The maintenance of the bund to the standard level and with the slope specified, the specification of the level and slope being in accordanc with the existing state of things and being approved both by th Executive Engineer and the Deputy Commissioner of the District.

(ii) The filling up of gullies or other inequalities caused by rain, the tread ing of cattle, etc., upon the bunds of tanks and channels.

(iii) The checking of the growth on bunds of prickly-pear, and any simila rank and pernicious weed.

(iv) The clearing of any underwood from the bunds of tanks wherever i may be injurious.

(v) The clearing and repair of the earthwork of petty and branch channel and the clearing away of the accumulations in sluices and in al channels issuing from tanks, which obstruct the flow of water to th fields.

(vi) The keeping in order the supply channels of tanks.

(vii) The watching of the bunds of all tanks during rainy weather, turfin the parts acted on by the waves, helping in opening and closing th sluice, and generally the performance of minor duties of this natu in order to prevent breaches and other accidents.]

[(7) "Repair" means special repairs rendered necessary by storm, flood, other unforeseen accident.]

[(8)] (6) "Village" includes a group of villages [for which a Village Ta Panchayet may be constituted or where such Panchayet is constitu ed for the control of a tank or group of tanks, the area compris within such limits as the Government may direct.] *or any specifi area for which a Tank Panchayet may be constituted.*

[(9) "Raiyats" shall include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry, garden or wet, and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly.]

*(7) The expression "customary obligations" means obligations enforceable under the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904, and specified in the schedule appended to this Regulation or under any other law or any rule, order or custom having the force of law.*

*(8) "Raiyats" shall mean the individuals on whom such customary obligations devolve.*

[(10)] (9) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively, of the village, and where [a Village Tank Panchayet is constituted for a group of villages or for a tank or group of tanks,] *there are more than one such patel or shanbhog*, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Government for the purposes of this Regulation.

[*(b)* Whenever reference is made in this Regulation to the customary obligations of raiyats, in connection with the restoration, repair or maintenance of tanks, such reference shall, unless a different intention appears, be taken as applying to the obligations of raiyats as laid down in the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, with the alterations made therein by Government Notification No. 5262—Agri. 626-03-7, dated 15th December 1904.]

Constitution of [Village] Tank Panchayets.

3. For the effectual carrying out of the customary obligations of the raiyats in regard to the [restoration, repair and] maintenance *and upkeep* of tanks; *for facilitating the construction, restoration and improvement of tanks* and for the better regulation of the use of water from tanks for purposes of irrigation, there may be constituted for any village, where the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats *and holding in the aggregate not less than half the occupied area of wet lands under the tank* so desire, a [Village] Tank Panchayet composed of the patel and the shanbhog and three or more members elected by the raiyats as hereinafter prescribed.

[Provided that instead of constituting a Village Tank Panchayet for a single village, the Government may, in special cases, constitute a Village Tank Panchayet as above for any specified tank or group of tanks or for a group of villages.]

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5, every raiyat who

(*a*) [owns wet or garden lands in the village on which the annual assessment is not less than Rs. 50,] *pays an annual assessment of not less than Rs. 20 on wet or garden lands in the village*, or

(*b*) [owns dry lands in the village on which the annual assessment is not less than Rs. 20] *pays an annual assessment of not less than Rs. 10 on dry lands in the village*, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. [10] *5 or*

(*d*) *pays in the aggregate an amount not less than Rs. 25,*

shall be qualified for election to the Panchayet.

Provided that the Government may, by notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet,

(*a*) who has been [sentenced] *convicted* by a Criminal Court [for] *of* an offence which in the opinion of *the Deputy Commissioner disqualifies him for holding the office*, [Government implies moral turpitude, such sentence not having been subsequently reversed or quashed] or

(*b*) [who has been declared an insolvent], *who is not physically and mentally capable of discharging the duties of his office,* or

(*c*) who is less than 21 years of age, or

(*d*) who is *not* of the [female] *male* sex.

Number of elected members of Panchayet.

6. The number of elected members of a [Village] Tank Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the raiyats holding dry lands [and] *or* paying mohatarfa but not holding wet [and] *or* garden lands, from among themselves; and the rest shall be elected by the raiyats holding wet [and] *or* garden lands with or without dry lands, from among themselves.

7. (*a*) *The constitution of a Tank Panchayet and the names of its members shall be notified in the official Gazette.*

Term of office of elected members.

(*b*) The elected members of a [Village] Tank Panchayet shall hold office for a term of three years.

*Liabilities to removal from Office.*

8. (*a*) *The Deputy Commissioner, if he thinks fit, may, on the recommendation of the Tank Panchayet, remove any member of the Panchayet, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties.*

*Casual vacancies how to be filled up.*

(*b*) *In the event of the death, resignation, disqualification, disability or removal of a member of a Tank Panchayet previous to the expiry of his term of office, the vacancy shall be filled up as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.*

Patel to be Chairman of Panchayet,

[8] 9. The Patel shall be the Chairman of the [Village] Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

[9] 10. (1) The Panchayet shall have control over a fund to be called the [Village] Tank Fund, made up of the following items:—

(*a*) the amounts collected from raiyats under Section [11] 12,

(*b*) the rent or value of the share of produce received under Section [12] *13*;

(*c*) the sale proceeds of the right of fishing in the tank, if any;

(*d*) the sale proceeds of the right of grazing in the tank bed and of the right of cutting and removing the grass on the tank bund;

(*e*) the sale proceeds of the produce of the trees in the tank and on the bund, if any;

(*f*) such grant out of the irrigation cess fund [collected in the village, being either the whole or a portion thereof], as the Government may, from time to time, make to the fund;

(*g*) any other grant which the Government may make to the fund;

(*h*) any advance which the Government may make to the Panchayet under Section [15] *16* for the execution of the masonry and stone work; and

(*i*) any loan which the Government may make to the Panchayet for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be [utilized by] *available to* the Panchayet [in executing] *for* the [annual] maintenance *and upkeep* [works] of the major and minor tanks; [and the] *for special* repairs of the minor tanks *rendered necessary by unforeseen causes* [under its control] and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section [15] *16*.

(3) An account of the Administration of the fund during each official year shall be submitted by the Panchayet to the general body of the raiyats at a meeting to be held within one month after the close of the official year.

[10] *11.*-When a [Village] Tank Panchayet comes into existence under Section 3, the enforcement of the customary obligations of the raiyats for the [repair and] maintenance *and upkeep* of all the tanks in the village, shall thereafter vest in the Panchayet;

Consequence of Panchayet coming into existence.

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

[*12*] 1 (1) The Panchayet shall have the power to apportion the work required for the [repair or] maintenance *and upkeep* of the tank or tanks under its control, among the raiyats according to their respective obligations.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labor into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost [of such work] *thereof* as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

*13. (1) The Panchayet shall have power to sell—*

*(a) the right of fishing in the tank under its control,*

*(b) the right of grazing in the tank bed and the right of cutting and removing the grass on the tank bund, and*

*Power to sell right of fishing, grazing, etc.*

*(c) the produce of the trees in the tank and on the bund, if any.*

[12] *(2)* The Panchayet shall *also* have power to grant the bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it, *provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.*

Power to grant tank bed for cultivation.

[13. The Panchayet shall have power to decide on the time for commencing the sowing of wet crops on the wet lands below the tanks under its control and to regulate the issue of water for irrigation from such tanks.]

[Power of Panchayet to regulate the issue of water for irrigation.]

*14. For the purpose of irrigation from the tank under its control, a Panchayet shall have power to regulate*

*(a) the time for the commencement of the issue of water from the tank;*

*(b) the period during which the supply of water is to continue; and*

*Power to regulate the issue of water for irrigation.*

*(c) the quantity of water to be let out from the tank.*

[14] *15 (1).* A [Village] Tank Panchayet, specially empowered by Government in this behalf, may, in any year, having regard to the quantity of water available in any tank under its control,

Power to restrict wet cultivation.

(*a*) determine the portion, out of all *or any of the* wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion;

[(*b*) refuse to allow water from the tank for the cultivation of sugarcane to all or any of the lands in its irrigable area;]

[illegible] (*b*) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards share of the produce to be paid to the holder or holders comprised within the block as may appear to it to be and as may be agreed to by such holder or holders.

[illegible] as is referred to in Sub-section (1) shall be conferred on [illegible]yet in regard to any tank under its control except with the

[10] *11.*-When a [Village] Tank Panchayet comes into existence under Section 3, the enforcement of the customary obligations of the raiyats for the [repair and] maintenance *and upkeep* of all the tanks in the village, shall thereafter vest in the Panchayet;

Consequence of Panchayet coming into existence.

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

[*12*] 1 (1) The Panchayet shall have the power to apportion the work required for the [repair or] maintenance *and upkeep* of the tank or tanks under its control, among the raiyats according to their respective obligations.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labor into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost [of such work] *thereof* as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

*13. (1) The Panchayet shall have power to sell—*

*(a) the right of fishing in the tank under its control,*

*(b) the right of grazing in the tank bed and the right of cutting and removing the grass on the tank bund, and*

*Power to sell right of fishing, grazing, etc.*

*(c) the produce of the trees in the tank and on the bund, if any.*

[12] (2) The Panchayet shall *also* have power to grant the bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it, *provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.*

Power to grant tank bed for cultivation.

[13. The Panchayet shall have power to decide on the time for commencing the sowing of wet crops on the wet lands below the tanks under its control and to regulate the issue of water for irrigation from such tanks.]

[Power of Panchayet to regulate the issue of water for irrigation.]

*14. For the purpose of irrigation from the tank under its control, a Panchayet shall have power to regulate*

*(a) the time for the commencement of the issue of water from the tank;*

*(b) the period during which the supply of water is to continue; and*

*Power to regulate the issue of water for irrigation.*

*(c) the quantity of water to be let out from the tank.*

[14] *15 (1).* A [Village] Tank Panchayet, specially empowered by Government in this behalf, may, in any year, having regard to the quantity of water available in any tank under its control,

Power to restrict wet cultivation.

(*a*) determine the portion, out of all *or any of the* wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion;

[(*b*) refuse to allow water from the tank for the cultivation of sugarcane to all or any of the lands in its irrigable area;]

[(*c*)] (*b*) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in Sub-section (1) shall be conferred on a [Village] Tank Panchayet in regard to any tank under its control except with the

consent of a majority of not less than two-thirds of the raiyats holding *in the aggregate not less than two-thirds of the occupied area of* wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (*a*) of Sub-section (1) any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment of such land.

Panchayet may be entrusted with construction, restoration and improvement of minor tank.

[15] *16.* (1) [If,] With the approval of a majority of not less than two-thirds of the raiyats [who would derive benefit from the construction, restoration or improvement of a minor tank,] a [Village] Tank Panchayet [agrees to] *may* undertake the construction, restoration or improvement, as the case may be, of (such) *a* minor tank, [the execution of all the necessary work,] with the exception of the masonry and stone work. [may be entrusted to the Panchayet].

(2) The masonry and stone work required shall be executed by the Government at its cost; but if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work [entrusted to] *undertaken by* it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

Recovery of moneys due to Tank Fund.

[16] *17.* All moneys due to the [Village] Tank Fund *under Sections 10 and 12 of this Regulation* shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers.

[17.] *18.* (1) If, in the opinion of the Government, any Village Tank Panchayet is not competent to perform, or persistently makes default in the performance, of the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, abolish the Panchayet.

(2) When a Panchayet is so abolished—

(*a*) the members of the Panchayet shall, as from the date of the order, vacate their offices as such members; and

(*b*) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in Section [9] *10* in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think fit, be reconstituted under the provisions of Section 3.

[Obligation of the raiyats under the ordinary law unaffected.]

[18. Nothing in this Regulation shall be deemed to relieve the raiyats of any of their obligations under any law, or any rule, order or custom having the force of law, in regard to the restoration, repair and maintenance of tanks.]

*Protection of members of Panchayet for acts done bona fide.*

19. *No member of the Panchayet shall be liable to be sued for any act bona fide done or ordered to be done in pursuance of the provisions of this Regulation.*

Power of Government to make rules and the matters in regard to which rules may be framed.

[19] 20. (1) The Government may, for the whole or any part of Mysore, or for any Panchayet or group of Panchayets, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may,—

(*a*) provide for the preparation of lists of persons qualified to vote under Sections 6, [14] *15* and [15] *16* and of persons qualified for election to the Panchayet under Sections 4 and 5;

(*b*) prescribe the procedure to be adopted at meetings of voters;

(*c*) prescribe the procedure to be adopted by Panchayets at their meetings;

(*d*) prescribe the accounts and books to be kept by Panchayets and provide for the audit of such accounts;

(*e*) prescribe the accounts, returns and reports to be furnished by Panchayets.

(*f*) *prescribe the procedure to be followed by Panchayets for collecting the receipts referred to in clauses (a) to (e) of sub-section (1) of Section 10.*

## SCHEDULE.

### RULES FOR THE MAINTENANCE OF TANKS.

*Rule* 1.—The enforcement of the Rules for Tank Maintenance is entrusted to the Patel of the village to which the tank or tanks are attached.

*Rule* 2.—The individuals to be held responsible for the maintenance and upkeep of the tanks are the Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry or wet, inhabitants of the village, and all others deriving any benefit whatever from the tank, either directly or indirectly.

*Rule* 3.—The proportion of work to be done by each of the above indicated individuals will be decided by the Patel and Shekdar, according to the amount paid by each to the Government for lands, houses, or other property, etc., attached to the village, such proportion to be constant, no matter what quantity of work has to be carried out. Dissentients to have the ordinary right of appeal to higher authority. The proportion of work to be done by Inamdars will be fixed in the same manner; their lands, etc., being valued at the same rates as those paid for similar property belonging to Sirkar raiyats.

For the purposes of this rule, one rupee of the dry or mohatarfa assessment shall be regarded as one-third of a rupee of wet and garden assessment.

*Rule* 4.—The works falling under the head of tank maintenance as detailed in Appendix A will be ordinary earth and turf work, repairs of every description connected with the tanks and their subsidiary works; excepting such as may be specially exempted and noted in the tank book as to be kept in repair by Government.

*Rule* 5.—The above repairs shall, as a rule, be carried out simultaneously at periods to be fixed by the Patel; but when necessary (as in cases of damages done by rain, floods, etc.,) the requisition of the Patel for immediate repairs must be at once attended to.

*Rule* 6.—In case of default by any individual in the execution of his obligations, as above laid down, the Patel is empowered and required to carry out the portion of the work that ought to have been done by the defaulter, by paid labour, the cost being recovered from the defaulter as a revenue demand.

*Rule* 7.—The village Patel will be held primarily responsible that the tanks are maintained up to the standard laid down for each in the tank book, and it will be the duty of the Shekdar to satisfy himself, by personal inspection in each case that this has been done.

*Rule* 8.—A regular inspection of each tank in his taluk shall be made annually between the months of October and January by the Amildar himself, so far as is possible; otherwise by a responsible officer specially deputed for such duty by the Amildar, and the results of this inspection are to be entered in a register as per annexed form, Appendix B.

*Rule* 9.—Whenever a tank, on such inspection, is found not to be up to the standard, a second inspection is to be made of the tank, prior to the end of April, by which time the repairs must be completed, failing which, the unexecuted repairs will be carried out by the Amildar and the cost recovered from the defaulters as revenue demand.

*Rule* 10.—A duplicate copy of the register will be forwarded by the Amildar to the District Revenue Officer prior to the 1st June by which date all tank works should be completed.

*Rule* 11.—Assistant Commissioners in charge of taluks or otherwise employed in taluks, are expected during the period of Jamabandi and on other convenient occasions, personally to inspect as many tanks as possible, and test the accuracy of the taluk returns, entering the date of inspection and their remarks in the form attached to the tank book for that purpose. The result of their inspection will be communicated to the Deputy Commissioner at once on completion.

*Rule* 12.—Similar duties will be performed by the Deputy Commissioner, who will be held responsible that the abovementioned rules are duly and intelligently carried out and not allowed to become a mere form.

*Rule* 13.—Works ordered to be carried out to any tank by an officer of the Public Works Department of the Engineer grade will be done at once on that officer's responsibility. Should any portion of such work form no part of the duty of the raiyats, the usual notification of sanction for the same will be submitted by the Amildar through the proper channel. Work considered requisite, after inspection by an officer of the Public Works Department of the subordinate grade, will be reported by him without delay to his departmental superior, and in cases of urgency direct to the Amildar also.

## APPENDIX A.

(Showing the work to be done by raiyats.)

1. To maintain the bund to the standard level and with the slopes specified.

NOTE.—The specification of the level and slope must be in accordance with the existing state of things and must be approved both by the Executive Engineer and the Deputy Commissioner of the district.

2. To fill up gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.

3. To check the growth on bunds of prickly-pear, and any similar rank and pernicious weed.

4. To clear any underwood from the bunds of tanks wherever it may be injurious.

5. To clear and repair the earthwork of petty and branch channels, and clear away the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields.

6. To keep in order the supply channels of tanks.

7. To watch the bunds of all tanks during rainy weather, to turf the parts acted on by the waves, to help in opening and closing the sluice, and generally to perform minor duties of this nature in order to prevent breaches and other accidents.

## APPENDIX B.

Inspection Report on the tanks in the Taluk for the season ending

| Hobli | Name of village | Name of taluk | Number of tank | Date of inspection | By whom inspected | Copy of observations made in tank book | | | | | Condition of subsidiary works including feeders and distribution channels | Signature and remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Bund if level and up to bench stones of full width, clear of jungle and weeds and free from holes or not | Slopes if full and free from ruts, turfing if in good order or otherwise | Revetment in what condition | Sluice if in or out of order | Waste-weir if perfectly secure and free from leaks | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |